

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:04CR430
)	
vs.)	ORDER
)	
BOBBY CALDERONE,)	
)	
Defendant.)	

This matter is before the court on the motion to continue trial by defendant Bobby Calderone (Calderone) (Filing No. 42 - Sealed). Calderone seeks a continuance of the trial to November 21, 2005. Defense counsel represents to the court that counsel for the government has no objection to the extension. Calderone has submitted an affidavit in accordance with paragraph 9 of the progression order whereby Calderone consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Calderone's motion to continue trial (Filing No. 42 - Sealed) is granted.
2. Trial of this matter is re-scheduled for **November 21, 2005**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendants in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **September 1, 2005 and November 21, 2005**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 1st day of September, 2005.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge